

**Dakota County
Juvenile Services
Comprehensive Plan
2009-2011**

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NEBRASKA COMMISSION OF
LAW ENFORCEMENT AND
CRIMINAL JUSTICE

**Dakota County
Juvenile Services
Comprehensive Plan
2009-2011**

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SECTION II

COMMUNITY TEAM

The Dakota County Juvenile Services Comprehensive Plan Team consists of representatives from various agencies in the county that work directly with juveniles and representatives from the business community. The members represent the county's School Districts, Law Enforcement, Health and Human Services, Region IV, Probation, County Attorney, Diversion, County Board, and community stakeholders. The Project Director, Robert Denton, is responsible for organizing and facilitating the meetings.

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Section III

Juvenile Justice System Analysis Tool

In 2006, Dakota County contracted with Mark Martin, a criminal justice consultant, to complete an assessment of Dakota County's juvenile justice case flow process using the Community Planning Tool provided by the Crime Commission. The completed planning tool is included as Appendix A. Dakota County also assessed the results from stakeholder surveys and youth surveys to identify problems and issues.

On June 30, 2008, the Dakota County Juvenile Services Comprehensive Plan Team reviewed the Juvenile Justice System Analysis Tool and results of the stakeholder and youth surveys with the assistance of Jennifer Meyer, consultant from the University of Nebraska at Lincoln. On November 23, 2008, the Dakota County Juvenile Services Comprehensive Plan Team reviewed the Juvenile Justice System Analysis Tool and results of the stakeholder and youth surveys with the assistance of Jennifer Meyer, consultant from the University of Nebraska at Lincoln. In review of this data, the Team identified strengths and weaknesses for youth services in Dakota County. Through this process, the Team recognized three areas of priorities for juvenile services within Dakota County and is listed in Section V. The Team also developed four strategies in coordination with the priorities identified and are outlined in Section VI.

Section IV

Community Socio-Economics

Dakota County, located in the northeast corner of the state of Nebraska, is situated at the crossroads where three states join -- Iowa, South Dakota, and Nebraska. The Missouri River forms the north and east natural boundaries of Dakota County as well as the boundary with the states of Iowa and South Dakota. Dakota City is the county seat. The four other cities or towns are located within this county are South Sioux City, the villages of Homer, Jackson, and Hubbard and a portion of the village of Emerson (this community straddles the county line with Dixon and Thurston Counties). South Sioux City, NE along with Sioux City, IA, is known as the Siouxland metropolitan area. Dakota County is one of six metropolitan counties in the state along with Cass, Douglas, Lancaster, Sarpy and Washington counties.

The metropolitan area is surrounded by small farming towns and isolated farmsteads in all directions for 100 miles. Due to this location, the Siouxland area serves as a regional location for a myriad of services including medical, emergency and disaster services, markets, business, education and social services for the tri-state area.

South Sioux City is the largest city in Dakota County with a population of 11,925 according to the 2000 U.S. Census. Dakota City is the second largest city with a population of 1,821. The other towns in the county all have populations of less than 1000. The table below provides a breakdown of the county population (total and under 18) by city and town.

Table IV-1 Dakota County Population Distribution (2000 Census)		
City / Village	Total Population	Population under age 18
City of Dakota City (County Seat)	1,821	566
Village of Emerson (Dakota Co. portion)	817	204
Village of Homer	590	196
Village of Hubbard	234	76
Village of Jackson	205	55
City of South Sioux City	11,925	3,555
Balance of Dakota County	4,661	1,525
Total	20,253	6,177

The population of the tri-state Siouxland metropolitan area is approximately 143,000.

Dakota County's population has steadily grown since the 1970's. According to U.S. Census data, Dakota County's overall population grew 21 % between 1990 and 2000 and 54% since 1970. As one of 93 counties in Nebraska, Dakota County ranks 16th in the state, based on population. The County is projected to continue to grow and, at the current rates, the population of Dakota County could easily reach 27,000 by 2030, doubling its population since 1970. Dakota County was one of 26 counties in Nebraska that showed both a net immigration and natural increase in population from 1990-2000. These indicators indicated by natural increases mean that births exceeded deaths for the county as well as net immigration or more people moved into the county than out of the county.

The diversity of the Dakota County population has changed significantly. Over the past ten years the location and expansion of meat and poultry packing plants in rural areas in the Midwest, traditionally home to a homogeneous population of small farming communities, has attracted populations from Mexico, Central and South America, Africa (Somalia) and Southeast Asian countries. With Tyson Foods, Inc. corporate headquarters and fresh meat processing plant located in Dakota County, Tyson is one of several major employers in the area. Within the past 10-year period, the diversity of Dakota County has changed dramatically as reflected by the Table IV-2 below. Based on U.S. Census data, racial minorities make up 21.2% of the population of Dakota County in 2000, compared with 7.5% in 1990. The county's Hispanic and Latino population grew from 6.1 % of the total population in 1990 to 22.6% of the total population in 2000.

Table IV-2 Dakota County Race/Ethnic Breakdown 1990 – 2000 Comparison				
RACE	1990		2000	
	Number	Percent	Number	Percent
White	15,481	92.5%	15,968	78.8%
Black or African American	76	.45%	126	0.6%
American Indian and Alaska Native	302	1.8%	377	1.9%
Asian/Pacific Islander	358	2.1%	636	3.1%
Some other race/Two or more races	525	3.4%	3,146	12.9%
Total population	16,742	100.00%	20,253	100.0%
HISPANIC OR LATINO				
Hispanic or Latino (of any race)	1,016	6.1%	4,581	22.6%
Not Hispanic or Latino	15,726	93.9%	15,672	77.4%

The population of Dakota County is remarkably mobile, with persons frequently moving between counties and states within the tri-state area. This is especially true of persons in their late teens and early twenties as they change jobs and residency. Additionally, individuals may live in one state and work in another. Sioux City, in particular, is home to an increasing population of persons who live in Iowa and work in either Nebraska or South Dakota, due to the presence of large business operations in both states that are in close proximity to Sioux City.

Section V

Identified Priority Areas

V. PRIORITY AREAS

Based upon its assessment of juvenile justice system and community issues/concerns, the Team established the following priorities for the next three year planning cycle:

Priority 1.

Reduce availability and demand for alcohol, tobacco, and illicit drugs for youth.

General Description

The availability and use of alcohol, tobacco, and illicit drugs by youth is viewed as a significant threat to their health and well-being. It contributes to youth involvement in other risk behaviors (violence, teen pregnancy, accidents, etc.) and is perceived as a factor in growing gang culture among youth in the community. Both availability and demand for these products must be addressed through a multi-faceted approach that includes prevention, intervention, and enforcement efforts.

Relevant Data

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Liquor Law Violations	55	81	112	133	92	81	82	16	40	20
DUI	10	16	21	18	19	24	18	18	12	5
Drug Violations	11	6	20	30	8	20	14	1	0	4

- Tri-state Siouxland CARES youth survey data (which includes Dakota County) assesses availability and use of alcohol, tobacco, and other substances among youth.

Survey suggests majority of youth believe it is not difficult to get alcohol or tobacco products.

Availability	2005	2006	2007
Difficult to get alcohol	34%	34%	34%
Difficult to get tobacco	41%	42%	43%
Difficult to get marijuana	55%	56%	58%

Survey suggests over half of 12th graders in tri-state area use alcohol products; about one-third use tobacco products, and about a quarter use marijuana.

Use (30-day prevalence among 12 th graders)	2005	2006	2007
Used alcohol in past 30 days	54%	52%	56%
Binge drinking (5+) in last 30 days	42%	40%	41%
Used cigarettes in last 30 days	29%	25%	28%
Used marijuana in last 30 days	19%	22%	21%

Contributing Factors

- Tolerant attitudes toward the use of alcohol and other substances by youth among some segments of the population
- Abdication of parental responsibility in the failure to adequately supervise and monitor the behavior of their children – actually enabling behavior in some cases
- Prevalence of gang culture and related behaviors among some segments of the youth population
- Youth disregard for the law, authority, and community standards generally.

Priority 2.

Reduce prevalence of gang culture among youth in the community.

General Description

Gang culture as used here refers to the collective attitudes and behaviors of youth involved in activities generally associated with gangs. The culture influences many segments of the youth community ranging from vulnerable younger children, to “wannabes”, to a small group affiliated with known gangs. It manifests itself in use and distribution of alcohol and illicit drugs, violence and bullying, vandalism (particularly graffiti), and curfew violations. The recruitment of younger children into these behaviors and activities is a major concern. The goal is to reduce the prevalence of this growing culture through a combination of community and parent education and effective intervention and enforcement strategies.

Relevant Data

- Juvenile arrests for gang-related behavior have increased over the past 10 years.

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Simple Assaults	21	36	22	65	56	37	31	54	72	43
Vandalism	17	9	25	30	13	22	45	31	16	13
Liquor Law Violations	55	81	112	133	92	81	82	89	108	77
Drug Violations	11	16	20	30	8	20	14	9	11	16

- Costs of juvenile detention have decreased over the past few years.

Dakota County Juvenile Detention Costs	
Year	Amount
FY 2004	\$247,790
FY 2005	\$375,978
FY 2006	\$334,486
FY 2007	\$250,220
FY 2008	\$162,150
FY 2009 (budgeted)	\$175,500

Contributing Factors

- Abdication of parental responsibility in the failure to adequately supervise and monitor the behavior of their children, actually enabling behavior in some cases
- Family conflict (Child Abuse/Neglect; Domestic Violence; Family member substance abuse/criminal behavior)
- Language/cultural barriers – Parents of many youth of diverse backgrounds do not speak English well nor do they understand community standards and norms. Their children are integrating with the community much more quickly but are being influenced negatively by others involved in the gang culture.
- Youth disregard for the law, authority, and community standards.

Priority 3.

Promote positive youth development by reducing problem behaviors among youth.

General Description

Problem behaviors include violence, alcohol and illicit drug use, truancy, delinquency, teen pregnancy, and related high-risk behaviors. The community has expressed concern that these types of behaviors have escalated among youth in recent years as evidenced by problems with graffiti and related signs of gang culture, alcohol and drug use, disregard for curfew requirements, and increased violence among youth. Stronger enforcement has resulted in a number of convictions in adult court where youth have received sentences to jail for this type of behavior. Reducing these types of behaviors involves both a prevention track to prevent enticement of younger youth into these types of behaviors and an intervention track to interrupt patterns of escalating delinquent behavior among youth who come in contact with the juvenile justice system.

Relevant Data

- Reported juvenile offenses involving Part I Index offenses have remained at a consistent level over the past 10 years. Reported Part II and Status offenses, however, have steadily increased. The number and type of reported Part II offenses is an indicator of delinquent activity in the community.

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Part I Offenses	52	56	48	45	64	55	43	94	65	74
Part II Offense	17	9	25	30	13	22	45	40	43	44
Status Offenses	40	64	56	101	41	30	21	41	61	61

	County	District	Juvenile (Delinquency)
2005	186	12	156
2006	199	16	165
2007	184	9	145

- Although Part I, Part II, and Status offenses have increased in the past three years, juveniles placed into probation services has decreased.

	2005	2006	2007
Total Juveniles on Probation	153	62	71

Contributing Factors

- Abdication of parental responsibility in the failure to adequately supervise and monitor the behavior of their children, actually enabling behavior in some cases.
- Latchkey children of single parent families and families where both parents work are often left unsupervised after school and during the evenings. Children of parents working evening and nights shifts are particularly at-risk.

- Economic deprivation affects the ability to afford adequate child care and meet other basic family needs.
- Family conflict (Child Abuse/Neglect; Domestic Violence; Family member substance abuse/criminal behavior)
- Language/cultural barrier – Parents of many youth of diverse backgrounds do not speak English well nor do they understand community standards and norms. Their children are integrating with the community much more quickly but are being influence negatively by others involved in the gang culture.
- Youth disregard for the law, authority, and community standards.

Section VI

Strategies

VI. STRATEGIES

The following strategies were developed by the Team to impact the identified priorities:

Priority 1 Reduce availability and demand for alcohol, tobacco, and illicit drugs for youth.	
Strategy 1-A Continue offering K-12 school-based demand reduction curriculum. *The South Sioux City (SSC) Schools currently provides a K-12 skill streaming social skills curriculum intended to reduce drug and alcohol use among youth. This program also focuses on building strong relationships between the school, parents, and students. A drug and alcohol education class is also a standard requirement for students whom attend the Alternative Center. If a student commits an alcohol violation, the SSC School requires the student to receive an alcohol and drug evaluation and the school has partnered with Jackson Recovery Services. These evaluations are funded through the SSC Schools.	Parties involved Schools, Law Enforcement, Jackson Recovery, Heartland Counseling, Siouxland CARES, PTA's/PTO's
	Timeline <u>Years 1 & 2</u> - Continue offering curriculum and services in schools; monitor <u>Year 3</u> - Continue offering curriculum and services in schools; evaluate effectiveness
	Resources Required School-based curriculum; instructors/facilitators; training for school staff, law enforcement officers, and others involved with the program
	Expected Results <ul style="list-style-type: none">• Children gain positive social skills to make good decisions regarding the use of potentially harmful substances• Children understand the harm and consequences relating to use of these substances• A school climate that discourages use is created• School staff have increased awareness of youth involvement in tobacco, alcohol or drug use• Parents are more aware and participate in efforts to deter use

<p>Strategy 1-B</p> <p>Develop and implement effective consequences of illicit drug use, and underage drinking and tobacco use.</p> <p>Examples</p> <ul style="list-style-type: none"> • Expanded diversion services • Teen Court • Administrative sanctions (probation) • Informal sanctions (teachers, parents, coaches, etc.) • Consistent enforcement with immediate consequences <p>*Dakota County currently has a diversion program and Teen Court is available throughout the County and is coordinated by Siouxland CARES. Probation has developed a Day/Evening Reporting Center that is available to juvenile offenders. The South Sioux City Schools has implemented a practice that requires every student whom violates the drug and alcohol policy is required to receive an evaluation and participate in an Alcohol and Drug Education course.</p>	<p>Parties Involved</p> <p>Siouxland CARES Teen Court Program; Law enforcement; courts, City Attorney; Probation; Diversion Program staff; Teen Court; parents; schools.</p>
	<p>Timeline</p> <p><u>Year 1 & 2</u> - Review and revise enforcement policies as needed; develop and implement police diversion options as immediate sanctions; develop and implement informal sanctions program.</p> <p><u>Year 3</u> – Continue sanctions program; monitor and evaluate effectiveness</p>
	<p>Resources Required</p> <p>Diversion staffing and resources; expended Probation supervision resources (tracker, day reporting, EM, etc.); law enforcement policy revisions and training for officers in police diversion program.</p>
	<p>Expected Results</p> <ul style="list-style-type: none"> • Great deterrent effect • Recidivism reduction • Use of appropriate sanctions that are proportionate, immediate, relevant and effective • Use of alternative sanctioning approaches that do not overburden the courts.

<p>Strategy 1-C Target commercial and social access to alcohol, tobacco, and illicit drugs by minors.</p> <p>Examples</p> <ul style="list-style-type: none"> • Compliance checks • Product placement • ID checks • Education for vendors • Education for parents and others regarding the risks of hosting parties for minors <p>*Siouxland CARES and local law enforcement have collaborated in conducting compliance checks within Dakota County. Additionally, South Sioux City has developed a vendor list.</p>	<p>Parties involved Law Enforcement; County Attorney; alcohol and tobacco vendors; parents; media (TV, Radio, Paper), Siouxland CARES</p>
	<p>Timeline</p> <p><u>Year 1</u> - Develop vendor education program and present to vendors; develop and implement enforcement initiative; distribute educational materials to parents and others regarding the risks of enabling minor's access to alcohol, tobacco, and other illicit drugs</p> <p><u>Year 2</u> - Continue development and implementation of education and enforcement initiatives</p> <p><u>Year 3</u> - Continue education and enforcement initiative; monitor and evaluate effectiveness</p>
	<p>Resources Required LE officer time; education materials for vendors and public, PSA's, media resources (TV, Radio, Paper),</p>
	<p>Expected Results</p> <ul style="list-style-type: none"> • Reduction in violation of minimum-age purchase laws by vendors • Fewer adults willing to procure for minors • Fewer adults willing to host parties for minors • Limited access to products by minors

<p>Strategy 1-D Develop and implement a social marketing initiative that reinforces community standards and norms that discourage use of alcohol, tobacco, and illicit drugs by youth.</p> <p>Examples</p> <ul style="list-style-type: none"> • Community tobacco and alcohol use standards and behavior for those legal age • Multi-level media campaign combined with community action initiatives • Develop prevention “toolkits” to provide information on such issues as <ul style="list-style-type: none"> - Youth access - Laws and ordinances - Prevention “tip sheets” or brochures for vendors, parents, educators, etc. 	<p>Parties Involved Prevention specialist, media (TV, Radio, Paper), schools, parents, faith community, youth, justice agencies Siouxland CARES, Jackson Recovery, Heartland Counseling, PTA’s/PTO’s</p>
	<p>Timeline</p> <p><u>Year 1</u> - Develop community partnerships; establish communication objective; establish target audiences; define desired community standards and norms; determine “what works”; develop multifaceted social marketing campaign</p> <p><u>Year 2</u> - Continue implementation; monitor results</p> <p><u>Year 3</u> - Continue implementation; monitor results; conduct interim evaluation</p>
	<p>Resources Required Media access and support, prevention resource materials; media materials (PSA’s, posters, brochures, etc.), social marketing training for key participants</p>
	<p>Expected Results</p> <ul style="list-style-type: none"> • Increase awareness about tobacco, alcohol, and drug use and its effects • Increase anti-tobacco, alcohol, and drug use attitudes among youth • Increase social resistance skills of youth • Increase awareness of prevention as a community responsibility • Adult modeling of accepted community tobacco and alcohol use standards and behaviors

Priority 2

Reduce prevalence of gang culture among youth in the community.

Strategy 2-A

Develop and implement an initiative to reduce signs and symbols of gang activity and behavior in the community.

Examples

- Graffiti removal
- Gang member ID and intervention
- Enhanced neighborhood watch

*The Watchful Eye Foundation has developed and implemented an anti-gang curriculum offered to suspected or verified gang members. The schools, law enforcement, and the courts refer youth to this program. Youth are required to participate in community service projects such as graffiti removal. Youth also participate in a cognitive-based program designed to discourage anti-social thinking and behavior. Youth also receive social skill training and the Watchful Eye Foundation provides makeovers and tattoo removal for youth. Local law enforcement and probation conduct quarterly gang sweeps which is used to enhance identification of gang members and curb illegal activity of gang members on probation.

Parties involved

Law enforcement; Probation; Public Works; Schools, Gang taskforce officers, Siouxland CARES, Jackson Recovery, Heartland Counseling, Watchful Eye Foundation

Timeline

Year 1 - Continue and expand graffiti removal program; enhance neighborhood watch programs as a tool to monitor and report gang behavior; ID and track known gang members

Year 2 - Continue programs and activities

Year 3 - Continue programs and activities

Resources Required

Supplies for graffiti removal; gang member ID and tracking system; resource materials and training for Neighborhood Watch

Expected Results

- Reduced incidents of destruction of property; graffiti; etc.
- Targeted intervention and aggressive prosecution of illegal behavior by known gang members
- Increased reporting of suspicious behavior
- Community climate that discourages gang-related behavior

<p>Strategy 2-B Build parental and community awareness/recognition of gang-related behavior.</p> <p>Examples</p> <ul style="list-style-type: none"> • Parent gang awareness education • Seminars/public forums • Speakers' bureau • Media campaign <p>The Watchful Eye Foundation has been very active in parent gang awareness education - and provides seminars/public forums twice per year. The Watchful Eye Foundation also serves as a speaker's bureau in a collaborative effort with the Federal Drug Enforcement Agency in Sioux City and a Gang Specialist from the South Sioux Police Department. Two years ago, Susie Squires, President of the Watchful Eye Foundation, spoke to the League of Cities for the state of Nebraska with the Nebraska Attorney General, Jon Bruning. Ms. Squires has been asked by the Nebraska Attorney General to speak to the Nationwide Attorney Generals on the issue of gangs.</p>	<p>Parties Involved Watchful Eye Foundation, Law Enforcement, parents, media, schools, businesses, community organizations, faith community</p> <p>Timeline <u>Year 1</u> - Review literature for effective gang awareness curricula; select and secure curricula; establish speaker's bureau; develop media materials and secure placement; Implement gang awareness education program</p> <p><u>Year 2</u> - Continue to implement education programs; conduct seminars, etc.; implement media campaign;</p> <p><u>Year 3</u> - Continue implementation</p> <p>Resources Required Media materials and placements; parent education resource materials; resource persons to develop and present information to parents and others in various formats and settings</p> <p>Expected Results</p> <ul style="list-style-type: none"> • Increased community and parental awareness of gang-related behavior • Increased awareness of strategies to prevent gang involvement • Few younger "recruits" into the gang culture • Increased resistance to gang influences among younger teens
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Priority 3

Promote positive youth development by reducing problem behaviors among youth.

Strategy 3-A

Develop an intake/holdover/intervention center for Dakota County

Parties Involved

Law enforcement; Probation; county board, service providers; Community Corrections staff, Director of Corrections

Timeline

Year 1 - Conduct needs assessment and feasibility study

Year 2 - Develop functional program; secure and develop site; develop cooperative agreements among participating agencies; develop program policies and procedures; secure staffing; train

Year 3 - Outfit facility and move in; initiate services

Resources Required

Facility, on-call staffing, training, operational funding; cooperative agreements among participating agencies

Expected Results

- Reduced downtime by law enforcement
- Fewer out-of-county transports to detention
- Reduction in the use of pre-adjudication detention
- Enhanced delivery of community services

<p>Strategy 3-B Expand the county community corrections program to staff juvenile justice functions.</p> <p>Examples</p> <ul style="list-style-type: none"> • Enhanced and expanded diversion program supervision • Pre-adjudication supervision of youth in the community • School-based tracking and supervision of probation youth • Intake assessment and coordination (particularly if intake facility is developed) 	<p>Parties Involved Community Corrections, Probation, County Attorney</p>
	<p>Timeline <u>Year 1</u> - Enhance and expand diversion program, utilization standards and eligibility criteria; secure diversion resources for participating youth <u>Year 2</u> - Implement expanded community corrections programming for youth <u>Year 3</u> - Continue programming</p>
	<p>Resources Required Community corrections workers; diversion program standards; diversion program resources; resources for enhanced community supervision; office space and support for community corrections workers</p>
	<p>Expected Results</p> <ul style="list-style-type: none"> • Greater coordination of services • Reduced reliance on out-of-county detention • Reduction in the number of per capita juvenile court petitions filed • Improved performance and behavior of youth on probation

<p>Strategy 3-C Develop and implement programming for at-risk youth and youth on probation or assigned to diversion which addressed violence issues, anger management, and decision-making skills.</p> <p>Examples</p> <ul style="list-style-type: none"> • Conflict resolution programming • After school programs • Expanded mentoring programming <p>*South Sioux City Schools has established the TeamMates mentoring program within their schools and has truancy officers on staff. The Watchful Eye Foundation has an after school program for juveniles ages 12-18 that has been in place for over 3 years. This program targets at-risk youth as well as youth on probation and has a specific programming in place. Funding for staff and supplies would be necessary.</p>	<p>Parties Involved Heartland Counseling, Jackson Recovery, Probation, Community Corrections, other service providers, South Sioux City Schools, Truancy Officers</p> <p>Timeline <u>Year 1</u> - Develop and/or expand after school and mentoring programming for at-risk youth; Develop and/or expand conflict resolution programs for at-risk and court involved youth</p> <p><u>Year 2</u> - Continue implementation of programs</p> <p><u>Year 3</u> - Refine and deliver programs as needed and funding permits</p> <p>Resources Required Staff and program materials for after school programs; training for providers and volunteers; after school program sites</p> <p>Expected Results</p> <ul style="list-style-type: none"> • Increased use of more appropriate means to resolve conflict among youth • Improved decision-making skills • Reduced recidivism • Structured alternatives for youth during high risk times for delinquent behavior (after school and evenings)
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<p>Strategy 3-D Identify and develop indigenous community resources to support and facilitate integration of new families in the community (with special emphasis on those families who may experience significant difficulties in bridging cultural and language barriers).</p> <p>Examples</p> <ul style="list-style-type: none"> • Community forums for immigrant families • Diversity training for law enforcement/juvenile justice workers • Court liaisons to assist non-English speaking youth and their families who become involved with the system <p>*Local law enforcement and the Watchful Eye Foundation currently collaborate to host a Gang Awareness Forum, biannually.</p>	<p>Parties Involved Community action agencies, faith community, employers of new family workers, Law Enforcement</p>
	<p>Timeline</p> <p><u>Year 1</u> - Assess needs and challenges facing new families; develop communication strategies; develop information materials; provide forums and share information using multiple communication channels</p> <p><u>Year 2</u> - Develop cadre of volunteers to assist non-English speaking youth and their families who become involved with the CJ system</p> <p><u>Year 3</u> - Continue services</p>
	<p>Resources Required Information and resource materials for new families regarding laws and customs, diversity training for LE and other CJ workers; interpreter services, volunteers</p>
	<p>Expected Results</p> <ul style="list-style-type: none"> • Improved relationship between law enforcement and persons from diverse backgrounds • Reduced representation of minorities in the juvenile justice system • Improved understanding of community laws, standards and norms by new families

Appendix A

Community Planning Tool

SYSTEM POINT: ARREST/CITATION

PARTY RESPONSIBLE: Police/Law Enforcement

STATUTE REFERENCE: NRS §§ 43-247(1), (2), (4)

Decision: Whether an information report should be filed, or what offense, if any, with which juvenile should be cited or arrested.

Formal Determining Factors

- a. Sufficient factual basis to believe offense was committed.
- b. Underlying support for a particular offense.

Informal Determining Factors

- a. Age of the youth.
- b. Intent (level of malice or injury).
- c. Location of the incident (home, school, street).
- d. Attitude of the youth (likelihood of continued misbehavior).
- e. Seriousness of the offense in combination with level of youth maturity.
- f. Youth's prior incidences with law enforcement.

Notes:

The decision options for law enforcement at this stage include:

- Warn and release
- Issue a citation or summons
- Refer to services
- Take the youth into custody

The officer may use his or her discretion in deciding whether or not to cite for an offense based upon both the formal and informal factors listed above. Graffiti and alcohol related crimes committed by youth have become an enforcement priority due to increased problems in these areas and lowered community tolerance for this kind of behavior. Law enforcement officials advise that youth involved in these activities are more likely to be cited than in the past.

Arrest data shows a decrease in the number of arrests for vandalism violations over the past few years.

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Vandalism	17	9	25	30	13	22	45	31	16	13
Liquor Violations	55	81	112	133	92	81	82	89	108	77

Cultural and language barriers do create some challenges for law enforcement when they come in contact with a youth or his/her family who do not speak English or appreciate/understand the community's laws and standards of conduct.

Decision: Whether to cite or arrest juvenile for juvenile or adult offense.

Formal Determining Factors

- a. Seriousness of Offense
- b. Is there a warrant?

Informal Determining Factors

- a. Degree to which youth cooperates with officer.
- b. Victim's preference.
- c. Current involvement of youth with HHS or juvenile system.
- d. Age of youth in conjunction with seriousness of offense.
- e. Maturity level of youth
- f. Record of past criminal/delinquent behavior
- g. Intent (level of malice or injury)

Notes:

Law enforcement officers have the discretion of charging a youth of any age with an adult offense if they are alleged to have committed a felony or if they are 16 years of age or older for a misdemeanor or felony offense. A court warrant may also dictate how the situation is handled.

Youth involved in more serious offenses are often known to officers who can make initial judgments as to how the youth should be charged based, in part, on their past experiences with the youth. The availability and need for immediate detention may also be a factor in cases involving more serious offenses. Youth processed as adults may be lodged in adult jail for a short period pending the filing of formal charges by the prosecutor. All other youth requiring detention must be lodged in juvenile facilities.

Arrest data available to the Planning Team does not break out those offenses where youth were initially cited or arrested for adult offenses vs. juvenile offenses. It would be useful to have local arrest data that would show the number of youth cited/arrested for juvenile offenses compared to the number cited/arrested for adult offenses to see if any patterns or trends exist.

It would also be helpful to understand the extent to which the lack of available juvenile detention locally factors into this initial decision by law enforcement.

Decision: Whether to take juvenile into custody or to cite and release (NRS § 43-248(1), (2); § 43-250(1), (2), (3))

Formal Determining Factors

- a. Existence of a warrant.
- b. Mandatory arrest policies for DUI and domestic-related cases.

Informal Determining Factors

- a. Immediate risk to youth.
- b. Immediate/short term risk to public
- c. Seriousness of perceived offense
- d. Extent to which parent or other responsible adult available to take responsibility for youth.
- e. Mental capacity of the youth
- f. Condition of the youth (emotional, physical, intoxicated, etc.)
- g. Risk of flight
- h. Availability of pre-adjudication detention options?

Notes:

The options available to law enforcement at this stage are to cite and release the youth or take the youth into custody. While the preference is for exercising the least restrictive alternative, law enforcement officers must weight both the formal and informal factors in making the initial custody decision.

There is some sense that a lack of local juvenile intake and detention options contributes to reluctance by law enforcement to take youth into custody in some cases. Officers may be required to supervise youth taken into custody for extended periods of time until other arrangements can be made. This affects availability of officers on the street and may affect overtime costs. As a result, officers may elect to cite and release youth they might otherwise take into custody based upon the informal factors listed above. There is also some indication that the “word is out on the street” regarding LE reluctance to deal with the custody issue, resulting in greater disregard for the law by youth. Although no data is available to support it, there is some indication that a number of youth are subsequently arrested after being cited and released.

Arrest data available to the Planning Team does not break out those offenses where youth were initially cited and released vs. taken into custody. It would be useful to have local arrest data that would show the number of youth cited/released compared to the number taken into custody to see if any patterns or trends exist.

SYSTEM POINT: INITIAL DETENTION

PARTY RESPONSIBLE: State of Nebraska Probation

STATUTE REFERENCE: NRS § 43-250(3), § 43-260, § 43-260.01

Decision: Whether juvenile should be detained or released.**Formal Determining Factors**

- a. Probation risk assessment outcome
- b. Least restrictive appropriate alternative:
 - i. Parents/Guardians
 - ii. Emergency Shelter
 - iii. Staff Secure Facility
 - iv. Secure Detention Facility

Informal Determining Factors

- a. Availability of placement options
- b. Willingness/ability parents to manage their child at home

Notes:

Statute requires law enforcement to deliver youth who have been taken into custody to the probation officer who will determine the need for detention. The Probation officer uses a standardized screening instrument to evaluate the need for detention. When a youth is taken into custody by law enforcement, the on-call probation officer is contacted. The probation officer comes to the Law Enforcement Center to interview and screen the youth and makes the detention decision in conjunction with the arresting officer.

Youth requiring secure detention are placed at the Woodbury County, IA juvenile detention center when space is available. If space is not available, or the facility otherwise does not accept the youth for detention, the youth is placed in the Northeast Nebraska Juvenile Services Center in Madison.

Intake screening data provided by Probation shows the number screened in 2006 as significantly higher.

Detention Intake Screening			
	2005	2006	2007
Total Screened	51	71	46
0-9			
Unknown	2	2	2
Parent	0	7	6
Hospital	0	0	0
OJS	2	0	1
Staff Secure	12	19	7
Secure	11	19	13
10+ (Detention Eligible)			
Unknown	0	0	0
Secure	21	20	17
Staff Secure	3	4	0

Problems/issues identified at this stage include:

- *Lack of locally available intake and temporary holding facilities for juveniles. There is considerable downtime involved for officers who must supervise youth taken into custody during initial intake processing and until arrangements are made for release to parents or transport to placement.*
- *Lack of locally available staff-secure and secure detention facilities for housing youth requiring detention placement. The Woodbury County, IA facility is within reasonable proximity, however space availability is not guaranteed and the facility will house pre-adjudicated youth only. Although not a problem to this point, jurisdictional issues may arise where youth are detained in another state. The costs and time involved in transportation, along with the per diem costs, are of concern in the use of the Madison facility.*
- *Lack of detention alternatives such as home detention, electronic monitoring, or other enhanced community supervision. These resources could reduce the need for secure placement of youth who could be effectively supervised in the community with appropriate supports.*

SYSTEM POINT: CHARGE JUVENILE

PARTY RESPONSIBLE: County Attorney

STATUTE REFERENCE: NRS § 43-274(1), § 43-275, § 43-276

Decision: Whether to prosecute juvenile.**Formal Determining Factors**

- a. Probation risk assessment outcome
- b. Least restrictive appropriate alternative:
 - i. Type of treatment to which juvenile would be most amenable
 - ii. Evidence that offense was violent, aggressive, or premeditated
 - iii. Motivation for commission of offense
 - iv. Age of juvenile and co-offenders
 - v. Previous offense history, especially patterns of prior violence or antisocial behavior
 - vi. Juvenile's sophistication and maturity
 - vii. Juvenile's prior contacts with law enforcement and the courts
 - viii. Whether there are facilities particularly available to the juvenile court for the treatment and rehabilitation of the juvenile
 - ix. Whether best interests of juvenile and public safety dictate supervision extending beyond his or her minority
 - x. Victim's inclination to participate in medication
 - xi. "Such other matters as the county attorney deems relevant to his or her decision"

Informal Determining Factors

- a. Eligibility and suitability for diversion

Notes:

The decision to prosecute lies with the County Attorney. The County Attorney receives a copy of the arrest report from law enforcement and make a determination to prosecute based upon the formal and informal factors listed above. If the County Attorney decides to proceed with the case, she may elect to file a criminal charge or juvenile petition or offer the youth pretrial diversion or mediation.

The County Attorney offers diversion on case by case basis. The deputy county attorney assigned to the case screens cases for eligibility. Cases referred to diversion generally involve minor offenses where the youth is a first time offender. A diversion program which may involve community service, letters of apology, informal probation, etc. is tailored for each diverted youth. The Community Corrections Officer oversees estimated 50-120 cases per year.

The county diversion program was more active when the county-funded probation officer was available. The primary focus of the Community Corrections Officer is on dealing with adult offenders. If staffing and related resources were again made available for a juvenile diversion program, the general sense is that more cases could be diverted from formal processing.

Teen Court is a diversion option available to the South Sioux City, Dakota City, Homer and Dakota County prosecutor's offices. Over the past three years Teen Court has handled an average of about 27 cases per year with a high of 45 cases in 2004. The majority of the cases are curfew violations (34.3%), shoplifting (44.4%), and MIP (14.1%).

Problems/Issues identified at this stage include:

- *Lack of adequate staffing and resources for formalized diversion programming.*
- *Lack of resources for a formalized mediation program.*

Decision: Whether to prosecute juvenile.**Formal Determining Factors**

- a. Seriousness of offense
- b. Factors under NRS § 43-276
 - i. Type of treatment to which juvenile would be most amenable
 - ii. Evidence that offense was violent, aggressive, or premeditated
 - iii. Motivation for commission of offense
 - iv. Age of juvenile and co-offenders
 - v. Previous offense history, especially patterns of prior violence or antisocial behavior
 - vi. Juvenile's sophistication and maturity
 - vii. Juvenile's prior contacts with law enforcement and the courts
 - viii. Whether there are facilities particularly available to the juvenile court for the treatment and rehabilitation of the juvenile
 - ix. Whether best interests of juvenile and public safety dictate supervision extended beyond his or her minority
 - x. Victim's inclination to participate in mediation
- b. "Such other matters as the county attorney deems relevant to his or her decision"

Informal Determining Factors

- a. The age of the juvenile and seriousness of the offense. Juveniles who are 16 years of age or older and charged with felony level offense are more likely to be considered for an adult charge
- b. Repeat offender with escalating patterns of criminal behavior.
- c. Offenses involving vandalism and graffiti is a current area of emphasis due to general public concern and increases incidence

Notes:

The County Attorney decides how to prosecute the case based upon the formal and informal factors listed above.

	County	District	Juvenile (Delinquency)
2005	186	12	156
2006	199	16	165
2007	184	9	145

The cost of incarcerating juveniles serving adult court sentences for misdemeanor offenses has increased substantially over the past several years. Since these juveniles may not be housed in adult facilities, they are placed at the Northeast Nebraska Juvenile Detention Center in Madison at a cost ranging as high as \$230/day. The types of juveniles being prosecuted in adult court generally are repeat offenders who have failed out of the juvenile system or those who pose a high risk to public safety.

Problems/Issues identified at this stage:

- *The cost of incarcerating youth who are convicted in adult court in juvenile detention facilities is significant. Ways to effectively hold youth accountable that do not involve jail sentences are needed.*
- *Need alternative responses other than incarceration to vandalism issue. A multi-faceted effort involving gang resistance education for younger youth, enhancement of neighborhood watch efforts to detect misbehavior, and other youth accountability options tailored to the offense may be helpful.*

Decision: Offense for which juvenile should be charged.	
Formal Determining Factors a. Most appropriate given the facts of the case	Informal Determining Factors a. Information/evidence presented by law enforcement
Notes: The County Attorney bases the decision on the offenses to be charged based upon the information and evidence presented. No issues or further discussion on this decision point.	

SYSTEM POINT: PRE-ADJUDICATION DETENTION PARTY RESPONSIBLE: Juvenile Court Judge STATUTE REFERENCE: NRS § 43-253(2)	
Decision: Whether juvenile detained at the time of citation/arrest should continue in detention or out-of-home placement pending adjudication.	
Options: <ol style="list-style-type: none"> 1. Parents/Guardians 2. Emergency Shelter 3. Staff Secure Facility 4. Secure Detention Facility 5. Electronic Monitoring 	
Formal Determining Factors <ol style="list-style-type: none"> a. Whether there is an immediate and urgent necessity for the protection of such juvenile b. Whether there is an immediate and urgent necessity for the protection of... the person or property of another? c. Whether juvenile is likely to flee the jurisdiction of the court 	Informal Determining Factors <ol style="list-style-type: none"> a. Demeanor of the juvenile in the courtroom; b. Availability/demeanor of the parent; c. Information provided by Probation and/or LE; d. Recommendation of the County Attorney e. Criminal history of the youth
Notes: <p>Juveniles who have been taken into custody and placed in temporary detention must be brought before a judge within 24 hours, excluding non-judicial days, to determine if continued detention placement is warranted. The judge may release the juvenile with or without conditions; order continued detention in a juvenile detention facility based upon the formal factors listed above. The informal factors listed may also influence this decision on a case-by-case basis.</p> <p>According to local officials, the preference of the court is to release youth to their parents at this stage. The judge may set conditions such as school attendance and a curfew to be enforced by the youth's parents.</p> <p>Secure and staff-secure detention facilities are not available locally. The County does have arrangements with the Woodbury County, IA Juvenile Detention Facility to hold pre-adjudicated juveniles when space is available. Juveniles are also held at the Northeast Nebraska Juvenile Detention Center when necessary.</p> <p><i>Problems/Issues identified at this stage:</i></p> <ul style="list-style-type: none"> • <i>Cost and transportation of juveniles to these out-of-county facilities are an issue.</i> • <i>Other less restrictive options (such electronic monitoring) for managing the juveniles in the community at this stage of processing is also limited.</i> 	

SYSTEM POINT: PROBABLE CAUSE HEARING	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-256	
Decision: Whether state can show that probable cause exists that juvenile is within the jurisdiction of the court.	
Formal Determining Factors a. Information submitted by Law Enforcement and probation	Informal Determining Factors
<p>Notes:</p> <p>The probable cause hearing must be held within 48 hours of the time a juvenile is taken into custody. When a juvenile is taken into custody and delivered to Probation for screening, the law enforcement officer gives the probation officer the arrest information. After making the decision regarding initial detention, the Probation Officer forwards the arrest information to the court. The judge reviews the information and typically makes the probable cause finding outside a formal hearing in order to meet the deadline.</p> <p>No problems/issues noted relating to this decision point.</p>	

SYSTEM POINT: COMPETENCY EVALUATION	
PARTY RESPONSIBLE: Juvenile Court Judge	
STATUTE REFERENCE: NRS § 43-258(1(b))	
Decision: Whether juvenile is competent to participate in the proceedings.	
Formal Determining Factors a. When the Court or officers of the court raise the issue.	Informal Determining Factors a. Family information indicating a need for a hearing may be a factor.
<p>Notes:</p> <p>Pending the adjudication of any case, the court may order the juvenile examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist to aid the court in determining the juvenile's competence to participate in the proceedings. The court is obligated to address the issue when raised by the judge or officers of the court.</p> <p>No problems/issues relating to this decision point.</p>	

Decision: Whether juvenile is “responsible” for his/her acts NRS § 43-258(1(c) and (2))	
Formal Determining Factors a. When the Court or officers of the court raise the issue.	Informal Determining Factors a. Family input
Notes: Pending the adjudication of any case under the Nebraska Juvenile Code, the court may order the juvenile examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist to aid the court in determining the juvenile’s responsibility for his or her acts. The court may order such juvenile to be placed for evaluation on a residential or nonresidential basis for a period not to exceed thirty days except as provided by section 43-415. The facility or institution shall make a complete evaluation of the juvenile, including any authorized area of inquiry requested by the court. No problems/issues relating to this decision point.	

SYSTEM POINT: ADJUDICATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-279 (2) and (3)

Decision: Whether the juvenile is, beyond a reasonable doubt, “a person described by section 43-247.”

Formal Determining Factors

- a. Legal sufficiency of evidence presented during adjudication hearing
- b. Whether juvenile admits the allegations of the petition (or, “pleads to the charges”)

Informal Determining Factors

None

Notes:

A first appearance hearing is scheduled within the first week at which the youth is arraigned and given the opportunity to admit/deny. According to local officials, the majority of youth who come before the court at first appearance will admit at this time. In these cases, the court will typically dispose of the case at that time – particularly if the case involves a first time offender. If the accused youth denies the allegations, an adjudication hearing is scheduled within 30 days. Prior to the adjudication hearing, the County Attorney will generate an offer letter to the youth and his/her family. According to the County Attorney, many of the youth who initially deny the allegations will accept the offer letter which allows the case to proceed to disposition. Few cases actually go onto trial on delinquency issues to reach a finding.

Local officials report that, despite a heavy workload, cases progress and are disposed of in an efficient manner.

No problems/issues relating to this decision point.

Decision: Whether to order probation to conduct a pre-disposition investigation (statutory authority unclear)	
Formal Determining Factors	Informal Determining Factors <ol style="list-style-type: none"> a. May be ordered when the court determines that it may be helpful when looking for information for: <ul style="list-style-type: none"> • restitution • about the family home • about alcohol/drug usage
Notes Probation officials report that few PDI's are requested by the juvenile court – in less than 10 % of the cases or about 2 per month. No problems/issues relating to this decision point. *See NRS § 29-2261(2): A court may order a pre-sentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA Misdemeanor, a Class IV Misdemeanor, a Class V Misdemeanor, or a traffic infraction, or any corresponding city or village ordinance.	

Decision: Whether to order OJS evaluation NRS § 43-281	
Formal Determining Factors <ol style="list-style-type: none"> a. If OJS custody is being considered, youth must have an evaluation prior to commitment 	Informal Determining Factors <ol style="list-style-type: none"> a. Youth who have failed on probation are back before the court b. Youth with more complex mental or family problems; alcohol/drug additions, or other issues requiring more in-depth evaluation prior to a disposition decision.
Notes The local HHS-OJS office makes arrangements for the evaluation when ordered by the court. May be either residential or non-residential depending upon the circumstances. OJS will additionally conduct a risk/needs assessment that will indicate suggested level of service for the youth. No problems/issues relating to this decision point.	

*See also: NRS § 29-2204(3): Except when a term of life is required by law, whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code. Prior to making a disposition which commits the juvenile to the Office of Juvenile Services, the court shall order the juvenile to be evaluated by the office if the juvenile has not had an evaluation within the past twelve months.

Decision: Whether to order a PDI or OJS Evaluation

Formal Determining Factors

- a. Presumably supplement each other
- b. Uncertainty about whether probation or commitment to OJS is in the juvenile's best interest

Informal Determining Factors

- a. Seriousness of offense
- b. Juveniles criminal history
- c. Youth with more complex mental or family problems; alcohol/drug additions, or other issues requiring more in-depth evaluation prior to a disposition decision

Notes

If the youth commits a serious offense, is a repeat offender who has previously failed several times on probation, or has complex issues requiring a more in-depth evaluation, an OJS evaluation may be ordered.

No problems/issues relating to this decision point.

SYSTEM POINT: DISPOSITION PARTY RESPONSIBLE: Juvenile Court Judge STATUTE REFERENCE: NRS § 43-286(1)	
Decision: Whether to place juvenile on probation NRS § 43-286(1)(a)(i)	
Formal Determining Factors	Informal Determining Factors <ul style="list-style-type: none"> a. Family support system in place b. Youth likely to benefit from monitored conditions set by the court c. No extensive delinquency history
Notes: Probation is the more likely disposition for youth who do not have a lengthy delinquency history, have not committed a serious offense, and who can benefit from the supervision afforded by a probation officer.	

Decision: Whether to commit such juvenile to the Office of Juvenile Services NRS § 43-286(1)(b)	
Formal Determining Factors	Informal Determining Factors <ul style="list-style-type: none"> a. Seriousness of offense b. Repeated failures on probation c. Complexity of mental health, family and/or substance abuse problems.
Notes: A commitment to the Office of Juvenile Services is more likely when the youth has committed a serious offense, has experienced repeated failures on probation, or requires a level of services not available to probation. No problems/issues relating to this decision point.	

Decision: Whether to place juvenile on probation and commit juvenile to HHS or OJS	
Formal Determining Factors	Informal Determining Factors
<p>Notes:</p> <p>The statutes do not provide the court the option of placing a juvenile on probation and in the custody of OJS for the same offense. A concurrent placement on probation and commitment to OJS might occur on separate cases out of different courts. In the past courts have dual adjudicated youth as status and delinquent offenders and placed youth on probation and in the custody of HHS. Presumably this practice was intended to give Probation responsibility of supervision, but opens access to HHS funds for treatment or rehabilitation.</p> <p>No problems/issues relating to this decision point.</p> <p>See Also, State v. David C., 6 Neb. App. 198, 572 N.W.2d 392 (1997): [9] It is clear that the court intended to commit David to the YRTC without actually revoking his probation. We can find no statutory basis for this procedure. Section 43-286 provides for the possible dispositions that a court may make, including continuing [*214] the disposition portion of the hearing and (1) placing the juvenile on probation subject to the supervision of a probation officer; (2) permitting the juvenile to remain in his or her [***31] own home, subject to the supervision of the probation officer; (3) placing the juvenile in a suitable home or institution or with the Department; or (4) committing him or her to OJS. Section 43-286 provides no authority for a court to place a juvenile on probation under the care of OJS. Section 43-286(4)(e) provides that if the court finds that the juvenile violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter “any order of disposition that could have been made at the time the original order of probation was entered...” The court could not have originally entered an order providing for probation with commitment to YRTC, and it necessarily follows that the court could not enter such an order upon finding that the juvenile had violated the terms of his or her probation. The attempt to continue probation while committing David to an YRTC would also require a reversal of the order of April 30.</p>	

SYSTEM POINT: ADMINISTRATIVE SANCTIONS PARTY RESPONSIBLE: Probation STATUTE REFERENCE: NRS § 29-2266	
Decision: Whether to impose administrative sanctions on a probationer	
Formal Determining Factors (NRS § 29-2266 (2)) <ul style="list-style-type: none"> a. Probation officer has reasonable cause to believe that probationer has committed or is about to commit a substance abuse violation or a non-criminal violation b. Risk level of the youth c. The severity of the violation d. The probationer's response to the violation e. Probationer acknowledges in writing the nature of the violation and agrees to the administrative sanction 	Informal Determining Factors <ul style="list-style-type: none"> a. Attitude and demeanor of the youth
Notes: Administrative sanctions are additional probation requirements imposed upon a probationer by his or her probation officer, with the full knowledge and consent of the probationer, designed to hold the probationer accountable for substance abuse or non-criminal violations of conditions of probation. Substance abuse violation refers to a positive test for drug or alcohol use, failure to report for such a test, or failure to comply with substance abuse evaluations or treatment. Non-criminal violation means: <ul style="list-style-type: none"> i. Moving traffic violations; ii. Failure to report to his or her probation officer; iii. Leaving the jurisdiction of the court or leaving the state without the permission of the court or his or her probation officer; iv. Failure to work regularly or attend training school; v. Failure to notify his or her probation officers of change of address or employment; vi. Frequenting places where controlled substance are illegally sold, used, distributed, or administered; vii. Failure to perform community service as directed; viii. Failure to pay fines, court costs, restitution, or any fees imposed pursuant to section 29-2262.06. 	

SYSTEM POINT: MOTION TO REVOKE PROBATION

PARTY RESPONSIBLE: County Attorney

STATUTE REFERENCE: NRS § 43-286(4)(b)(i)

Formal Determining Factors

- a. Request by Probation
- b. New violation

Informal Determining Factors

Notes:

When it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed. The County Attorney advises that she is inclined to file the motion for revocation when requested by the probation officer.

Probation revocation data for 2005-2007:

Revocation Request		
2005	2006	2007
26	34	14

SYSTEM POINT: MODIFICATION/REVOCAION OF PROBATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-286(4)(b)(v)

Formal Determining Factors

Informal Determining Factors

Notes:

If the probationer chooses to deny the allegation of the violation, he or she is entitled to a bench trial. The judge will then rule on the motion to revoke based upon the evidence presented. Local officials advise that most accused probation violators admit to the violation. Options for the court generally include revocation to:

- Intensive Supervision
- OJS/YRTC
- Continued Probation
- Extended Probation

Probation revocation data for 2005 – 2007:

Probation Revocations			
	2005	2006	2007
Unknown	0	3	1
Pending	0	0	0
ISP	1	0	0
OJS	9	17	7
YRTC	1	1	1
Continued on Probation	0	0	0
Probation Extended	5	3	1
JAIBG	0	0	0
Absconded	6	3	2
Dismissed/Discharged	3	7	2

SYSTEM POINT: SETTING ASIDE ADJUDICATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-2,104

Decision: Whether juvenile has satisfactorily completed his or her probation and supervision or the treatment program of his or her commitment NRS § 43-2,102

Formal Determining Factors

- a. Juvenile's post-adjudication behavior and response to treatment and rehabilitation programs
- b. Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for law
- c. Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based.

Informal Determining Factors

Notes:

Whenever any juvenile is adjudged to be a juvenile and has satisfactorily completed his or her probation and supervision, or the treatment program of his or her commitment, any interested party may request the court that entered the adjudication to set aside that adjudication. When granted, all records relevant to the adjudication are sealed. Such records are not available to the public except upon the order of the court.

Decision: Whether juvenile should be discharged from the custody and supervision of OJS

Formal Determining Factors

- a. Presumably same as those for probation under NRS § 43-2,103

Informal Determining Factors

Notes:

The courts generally defer to OJS regarding the decision to discharge a youth from the custody and supervision of OJS.

See Also, *In re Interest Tamartha S.*, 267 Neb. 78;672 N.W.2d 24 (2003): it is clear under the language of § 43-408 that the committing court maintains jurisdiction over a juvenile committed to OJS, conducts review hearings every 6 months, and is to receive written notification of the placement and treatment status of juvenile committed to JS at least every 6 months. See § 43-408(2) and (3). Thus, although the statute speaks of committed [**28] juveniles' being "discharged from [OJS]," § 43-408(2), the statute does not explicitly say that OJS discharges the juveniles, and, on the contrary, the Legislature has explicitly mandated that the committing court 'continues to maintain jurisdiction' over a juvenile [***9] committed to OJS. *Id.* Therefore, while OJS may make an initial determination with regard to the advisability of the discharge of a juvenile committed to OJS, the committing court, as a result of its statutorily imposed continuing jurisdiction, must approve the discharge of the juvenile.